

NHSLC - BUREAU OF ENFORCEMENT - AGENDA
WEDNESDAY, DECEMBER 3, 2008

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

Grille Express, 20 Constitution Drive, Hudson, NH.

Restaurant Beverage and Wine License #1366903 licensed pursuant to RSA 178:20.

Suspension effective November 15, 2008 at 12:01 AM and re-granted on November 19, 2008 at 1:00 PM.

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, DECEMBER 3, 2008:

None

4. HEARINGS SCHEDULED:

None

5. HEARINGS WITH DATES TO BE DETERMINED:

6. PENDING CASES:

None

7. WARNING LETTERS/FINES:

a. Claremont Mobile, 237 Main Street, Claremont, NH.

Combination License #3059347.

Licensed under RSA 178:18.

Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Date of violation: October 3, 2008.

Case #: 08-700-OF.

Recommendation: \$500 Administrative fine, four (4) points assessed to the liquor license, a 3-day suspension of liquor license held in abeyance for twelve (12) months pending no like violation, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for the clerk who committed the violation.

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- b. DHL Worldwide Express,
50 California Street, Suite 500, San Francisco, CA.
Carrier-Beverage/Wine/Liquor License #747616.
Licensed under RSA 178:14.
Cited for violation of RSA 178:27, II & Liq. 1105.02 - did fail to obtain an adult signature.
Date of violation: September 8, 2008.
Case #: 08-642-OF.
Recommendation: \$2,000 Administrative fine.
- c. Romy's Market, 89 Marlboro Street, Keene, NH.
Combination License #723047.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person.
Date of violation: October 3, 2008.
Case #: 08-719-OF.
Recommendation: \$500 Administrative fine to come forward from a previous violation, a \$500 Administrative fine for total fines of \$1,000, four (4) points assessed to the liquor license, and a 3-day suspension of liquor license held in abeyance for twelve (12) months pending no like violation.
- d. Tudor of Manchester, 361 Pine Street, Manchester, NH.
Restaurant Full Service With Lounge License #1244303.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: July 13, 2008.
Case #: 08-568-OF.
Recommendation: Alcohol may be consumed between the hours of 6am and 12:00am, Monday through Sunday; all drinks shall be removed from all areas including but not limited to tables and the bar area and from all patrons at 12:30am; said hours shall be in effective for the period of ninety (90) days; at the end of this period, an evaluation conducted by a Liquor Investigator and a representative of the Manchester Police Department shall take place to determine whether these restrictions should be amended; on January 1, 2009 only, consumption may occur until 1:00am and all drinks shall be removed from all areas including but not limited to tables and the bar area and from all patrons by 1:30am.
- e. Up Country Family Restaurant & Tavern,
2284 White Mountain Highway, Conway, NH.
Restaurant Full Service With Lounge License #263803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: October 11, 2008.
Case #: 08-706-OF.
Recommendation: \$500 Administrative fine suspended for twelve (12) months pending no like violation and four (4) points assessed to the liquor license.

8. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. American Legion Post 49, Park Street, Northfield, NH.
Veterans Club License #18339.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)/Liq. 501.05 - did fail to keep a complete guestbook.
Date of violation: November 16, 2008.
ADMINISTRATIVE FINE \$100 PAID.

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- b. Asian Delight, 330 Central Avenue, Franklin, NH.
Restaurant Beverage and Wine License #1365403.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I.
Compliance Check: November 19, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- c. Bickfords Family Restaurant,
3 Veterans Memorial Highway, Salem, NH.
Full Service Restaurant License #1238903.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:5, I.
Compliance Check: November 7, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- d. Casa Blanca Mexican Restaurant, 230 Route 101 West, Bedford, NH.
Restaurant Full Service With Lounge License #1343703.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check: November 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- e. CVS Pharmacy 741, 66 South River Road, Bedford, NH.
Combination License #3208347.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- f. Great State Beverages, 1000 Quality Drive, Hooksett, NH.
Wholesale Distributor License #282320.
Licensed under RSA 178:16.
Cited for violation of RSA 179:13, I - did fail to report an account as
overdue.
Date of violation: November 3, 2008.
ADMINISTRATIVE FINE \$250 PAID.
- g. Lee Circle Grocery, 87 Calef Highway, Lee, NH.
Combination License #43647.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: October 16, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- h. McKinnon's Marketplace, 236 North Broadway, Suite M, Salem, NH.
Combination License #3200947.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 7, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- i. North Heaven, 151 Main Street, Colebrook, NH.
Restaurant Full Service With Lounge License #1351703.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 178:22, V(q) - did fail to meet the food
sales/alcohol ratio.
ADMINISTRATIVE FINE \$100 PAID.

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- j. Roberts Market, 2 Hill Road, Franklin, NH.
Combination License #3182247.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 19, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- k. Ruby Tuesday, 99 Rockingham Park Boulevard, Salem, NH.
Restaurant Full Service With Lounge License #1224003.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check: November 7, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- l. Stans Troy Market, 49 Central Square, Troy, NH.
Combination License #3010147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: November 13, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- m. Tio Juan's Margaritas Mexican Restaurant and Watering Hole,
1 Keewaydin Drive, Salem, NH.
Restaurant Full Service With Lounge License #1241003.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check: November 7, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- n. Tudor of Manchester, 361 Pine Street, Manchester, NH.
Restaurant Full Service With Lounge License #1244303.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:40 - did refill bottles of legally purchased
alcoholic beverage.
Date of violation: November 8, 2008.
ADMINISTRATIVE FINE \$250 PAID.
- o. Tudor of Manchester, 361 Pine Street, Manchester, NH.
Restaurant Full Service With Lounge License #1244303.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:17 - did allow the consumption of alcoholic
beverage more than 30 minutes after the expiration of the legal hour for
service.
Date of violation: November 8, 2008.
ADMINISTRATIVE FINE \$250 PAID.
- p. Wally & Bernie's, 20 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1359203.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:17 - did allow the consumption of alcoholic
beverage more than 30 minutes after the expiration of the legal hour for
service.
Date of violation: November 8, 2008.
ADMINISTRATIVE FINE \$250 PAID.

9. NEW LICENSES:

- a. Susan & Dennis Abbott Jr. DBA Meadow Ice Cream,
339 Meadow Street, Littleton, NH 03561.
To be issued Restaurant On-Premise Beverage/Wine License #1371603
pursuant to RSA 178:20.
Recommendation: Approval.
- b. 100 Club Concepts, Inc.,
33 Deer Street, Unit 3A, Portsmouth, NH 03801.
To be issued Retail Table Wine Off Premise Only License #3151246
pursuant to RSA 178:19.
Recommendation: Approval.
- c. Portsmouth "Casey" Home Association, Inc.
DBA The Knights Table and Case Function Center,
1950 Lafayette Road, Portsmouth, NH 03801.
To be issued Caterers On Site On-Premise Cocktail Lounge License #1274826
pursuant to RSA 178:22, V(e).
Recommendation: Approval.

10. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Ancient Peak, Inc. DBA Ancient Peaks Winery,
679 Calf Canyon Highway, Creston, CA 93432.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- b. Ardiri LLC,
1131 Foster Road, Napa, CA 94558.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- c. Diageo Chateau & Estate Wines Company DBA Canoe Ridge Vineyards,
1102 West Cherry Street, Walla Walla, WA 99362.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- d. Diageo Chateau & Estate Wines Company DBA Sagelands Vineyard,
71 Gangl Road, Wapato, WA 98951.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- e. Distefano Winery, LLC,
12280 Woodinville Drive North East, Woodinville, WA 98072.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- f. Five Grapes LLC,
19692 8th Street East, Sonoma, CA 94576.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- g. Peter Granoff DBA Ferry Plaza Wine Merchant,
1 Ferry Building, Shop 23, San Francisco, CA 94111.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.

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- h. Inbev USA, LLC DBA Labatt USA,
Key Centre North Tower, Suite 900, 50 Fountain Plaza, Buffalo, NY 14202.
To be issued Beverage Vendor Permit License #46631 pursuant to RSA 178:15.
Recommendation: Approval.
- i. Jim Beam Brands Company,
510 Lake Cood Road, Deerfield, IL 60015.
To be issued Liquor/Wine Vendor Off-Premise Wine/Liquor License #995645
pursuant to RSA 178:9.
Recommendation: Approval.
- j. Jim Beam Brands Company,
510 Lake Cood Road, Deerfield, IL 60015.
To be issued Beverage Vendor Permit License #46831
pursuant to RSA 178:15.
Recommendation: Approval.
- k. Lynfred Winery, Inc.,
15 South Roselle Road, Roselle, IL 60172.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- l. Marks International Wines, Inc. DBA The Wine House,
2311 Cotner Avenue, Los Angeles, CA 90064.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- m. Norm's Winery & Vineyards LLC Olde Nutfield Vineyards,
146 Old Sandown Road, Chester, NH 03036.
To be issued Wine Manufacturer Off-Premise Wine Only License #3562330
pursuant to RSA 178:8.
Recommendation: Approval.
- n. Peter Paul Wines LLC,
1401 Los Gamos Drive, San Rafael, CA 94903.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- o. Sapphire Hill Vineyards LLC,
51 Front Street, Healdsburg, CA 95448.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- p. Sweet Baby Vineyard LLC,
204 South Road, Kensington, NH 03833.
To be issued Wine Manufacturer Off-Premise Wine Only License #562430
pursuant to RSA 178:8.
Recommendation: Approval.
- q. Valley View Wine, Inc.,
1000 Upper Applegate, Jacksonville, OR 97530.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.

11. PETITIONS FOR COMMISSION APPROVAL:

- a. Allen's Cocktails & Candlepins LLC,
9 Central Street, Woodsville, NH 03785.
Sports Recreation Facility On-Premise Cocktail Lounge License #525105.
Licensed pursuant to RSA 178:22, V(v).
Requests permission to extend the hour of service from 1am to 2am on
January 1, 2009 pursuant to RSA 179:17,II(b).
Recommendation: Approval.
- b. Bare Bonz Butcher Shop LLC,
707 Old Milford Road, Merrimack 03054.
Combination Off-Premise Beverage/Wine License #3159747.
Licensed pursuant to RSA 178:18.
Requests approval for Authorization to Transfer business location, to
wit, to close the current business on October 27, 2008 then transfer the
business and supplies from 707 Old Milford Road, Merrimack, NH to
the new location at 123 Route 101A, Amherst, NH; to be completed on or
before October 31, 2008 pursuant to RSA 178:29, VIII.
Recommendation: Approval.
- c. Country Corner Mile LLC,
Route 31, Greenville, NH 03048.
Agency Store Off-Premise Liquor Only License #980404.
Licensed pursuant to RSA 177:9.
Requests approval for Renewal of License, to wit, to renew the Agency Store
Off-Premise Liquor Only License pursuant to RSA 177:9.
Recommendation: Approval.
- d. Freetown Yankee Food Market Company,
6 Freetown Road, Raymond, NH 03077.
Combination Off-Premise Beverage/Wine License #3082647.
Licensed pursuant to RSA 178:18.
Requests approval for Authorization to Transfer beer and wine
products to another licensed premise, to wit, to close the current business
on November 19, 2008 then transfer beer and wine products to License
#3209547, Freetown Yankee Food Market Company at 58 Route 27, Raymond, NH
pursuant to RSA 178:29, VIII.
Recommendation: Approval.
- e. Hanna Lulu's, LLC DBA Sophie & Zeke's,
50 Pleasant Street, Claremont, NH 03743.
Restaurant On-Premise Beverage/Wine/Liquor License #1304903.
Licensed pursuant to RSA 178:21.
Requests approval for Authorization to Transfer business location, to
wit, to close the current business on November 13, 2008 then transfer the
business and supplies from 50 Pleasant Street, Claremont, NH to
the new location at 2 Pleasant Street, Claremont, NH to be
completed on or before November 13, 2008 pursuant to RSA 178:29,VIII.
Recommendation: Approval.
- f. Harts Restaurant, Inc.,
233 Daniel Webster Highway, Meredith, NH 03253.
Restaurant On-Premise Cocktail Lounge License #242703.
Licensed Pursuant to RSA 178:22, V(q).
Requests approval for an outside area, to wit, an outside tented area on
November 27, 2008 from 11:00am to 4:00pm appropriately sanctioned off
pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.

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- g. HRC Grille LLC DBA Weare Towne Grille,
840 South Stark Highway, Weare, NH 03281.
Restaurant On-Premise Cocktail Lounge License #1368603.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for an outside area, to wit, an outside deck appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- h. Keith Murphy's Taproom, LLC,
494 Elm Street, Manchester, NH 03103.
Restaurant On-Premise Cocktail Lounge License #1333403.
Licensed pursuant to RSA 178:22, V(q).
Requests permission to extend the hour of service on New Year's Eve from 1am to 2am on January 1, 2009 pursuant to RSA 179:17, II(b).
Recommendation: Approval.
- i. 100 Club Concepts,
33 Deer Street, Unit 3A, Portsmouth, NH 03801.
Retail Table Wine Off-Premise Wine Only License #3151246.
Licensed pursuant to RSA 178:19.
Requests approval to keep surplus wine at other location, to wit, to keep surplus wine in the basement area of 100 Market Street, Portsmouth, NH pursuant to RSA 179:49.
Recommendation: Approval.
- j. Rahar, Inc. DBA Funky Monkey,
10 Beacon Street, Laconia, NH 03246.
Sports Recreation Facility On-Premise Cocktail Lounge License #2503205.
Licensed pursuant to RSA 178:22, V(v).
Requests approval for Authorization to Transfer business location, to wit, to close the current business November 18, 2008 then transfer the business and supplies from 10 Beacon Street, Laconia, NH to the new location at 546 Main Street, Laconia, NH to be completed on or before November 19, 2008 pursuant to RSA 178:29, VIII.
Recommendation: Approval.

12. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.

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- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.
- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY.
Direct Shipper License #8086533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 25, 2008.
Hearing date: July 22, 2008.

13. **COMMISSION DECISIONS AFTER HEARING:**

14. **MISCELLANEOUS ITEMS:**

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:
 - 1. 5 % tax on all retail sales at the winery and farmer's markets.
 - 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.

15. **EXECUTIVE SESSION ITEMS:**